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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,034	06/19/2006	Joe Wada	9560-17	7421
20792 7590 09/04/2008 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER NGUYEN, TUAN HOANG				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 09/04/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,034

Applicant(s)

WADA ET AL.

Examiner

TUAN H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 06/03/2008 with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 2-5 cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trively (U.S PAT. 7,010,333) in view of Okuda (U.S PUB. 2001/0019946).

Consider claim 1, Cho teaches a clamshell-type mobile terminal (100) for a wireless communication system, comprising: a lower casing (104) comprising a keypad (118) with input keys; an upper casing (102) comprising a display (120), said lower casing and said upper casing being connected by a hinge mechanism (108) connecting the lower casing and the upper casing so that the lower casing and the upper casing

can be folded onto each other, whereby the lower casing is the casing part, which during operating the mobile terminal is in the palm of the hand of the user, whereby the upper casing is extending away from the hand of the user in an opened state of the mobile terminal and folded onto the lower casing in a closed state of the mobile terminal (fig. 1B col. 3 lines 23-67), whereby the hinge mechanism is located and arranged so that in the opened state, the lower casing lies above the upper casing enabling an easy access to input keys located close to the hinge mechanism on the lower casing (fig. 1B col. 3 lines 50-67), and whereby a rotation axis of the hinge mechanism forming a centre of the folding movement between the lower casing and the upper casing lies in a middle plane of the lower casing (fig. 1B col. 3 lines 50-67); wherein the clamshell-type mobile terminal consists essentially of the lower casing and the upper casing (fig. 1B col. 3 lines 50-67).

Cho does not explicitly show that the hinge mechanism comprises at least one fixed structure projecting from the display plane of the upper casing and at least one rotating structure movably connecting the lower casing to the at least one fixed structure; wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends; wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends; wherein the at least one rotating structure includes a first and a second part that are rotatable against one another; wherein said first part of said rotatable structure is connected to said at least one fixed structure in a non-rotatable manner and said

second part of said rotatable structure is connected to said lower casing in a non-rotatable manner.

In the same field of endeavor, Okuda teaches the hinge mechanism comprises at least one fixed structure projecting from the display plane of the upper casing and at least one rotating structure movably connecting the lower casing to the at least one fixed structure (figs. 1-3 page 4 [0080-0082]); wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends (figs. 1-3 page 4 [0080-0082]); wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends (figs. 1-3 page 8 [0116]); wherein the at least one rotating structure includes a first and a second part that are rotatable against one another (fig. 3 col. 4 line 50 through col. 5 line 2); wherein said first part of said rotatable structure is connected to said at least one fixed structure in a non-rotatable manner and said second part of said rotatable structure is connected to said lower casing in a non-rotatable manner (figs. 1-3 page 4 [0080-0082] and page 8 [0116]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the hinge mechanism comprises at least one fixed structure projecting from the display plane of the upper casing and at least one rotating structure movably connecting the lower casing to the at least one fixed structure; wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends;

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wherein the at least one fixed structure and the lower casing respectively comprise through holes into and through which the at least one rotating structure extends; wherein the at least one rotating structure includes a first and a second part that are rotatable against one another; wherein said first part of said rotatable structure is connected to said at least one fixed structure in a non-rotatable manner and said second part of said rotatable structure is connected to said lower casing in a non-rotatable manner, as taught by Okuda, in order to provide a foldable portable telephone having a closure case which can be easily opened at the touch of a button.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
Unit 2618